

From: Sutherland, Ryan
Sent: 2017-04-27T18:15:38-04:00
Importance: Normal
Subject: Daily News Report - April 27
Received: 2017-04-27T18:15:51-04:00
[Daily News Report April 27.docx](#)

Attached is the daily news report for April 27.

Ryan Sutherland
Bureau of Land Management Utah
Public Affairs Specialist
trsutherland@blm.gov
801 539 4089



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – APRIL 27, 2017

1. Trump puts bull's-eye on Bears Ears National Monument

The Deseret News, April 26 | Amy Joi O'Donoghue

SALT LAKE CITY — President Donald Trump on Wednesday vowed to end the "abuses" of the Antiquities Act and return power to the states, specifically mentioning the new Bears Ears National Monument in southeast Utah.

2. What You Need to Know About Trump's National Monument Rethink

National Geographic, April 26 | Laura Parker

Utah has 13 national parks and monuments, most set in spectacular red-rock formations that make it the envy of tourist bureaus everywhere. But the day after Donald Trump's inauguration, Utah's four congressmen and two U.S. senators asked the president to abolish the newest of these chiseled landscapes to be preserved—the Bears Ears National Monument created by Barack Obama in the final days of his administration.

3. Forest Service seeks comments on Maple Canyon fee increase

The Pyramid, April 26 | Press Release

PRICE — Recreation managers on the Manti-La Sal National Forest are interested in hearing public comments on a proposal to increase fees for both camping and day use at Maple Canyon Campground.

4. Planners: Congestion inevitable, but northern corridor would help

St George News, April 26 | Julie Applegate

ST. GEORGE — Planners scrambling to meet future transportation needs in Southern Utah say even if the controversial northern corridor is built, congestion is inevitable if growth continues as expected.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

5. Science and politics collide over Bears Ears and other national monuments

Sciencemag.org, April 27 | Carolyn Gramling

President Donald Trump signed an executive order yesterday calling on the Department of the Interior (DOI) to review “all Presidential designations or expansions of designations under the Antiquities Act made since January 1, 1996.” Why would a new president with so much on his plate care about 24 parcels of land and sea that his three immediate predecessors decided to protect permanently?

6. Huge Amounts of Mercury Have Vanished From Utah's Great Salt Lake

ScienceAlert, April 27 | Bec Crew

In the space of just five years, levels of toxic methylmercury in Utah's Great Salt Lake have dropped by almost 90 percent, and scientists are still trying to explain where it's gone.

7. Op-ed: America's National Monuments Contribute to Economy, Support Small Businesses

The Morning Consult, April 27 | Kris Waggoner

This week, President Donald Trump called for a review of national monument designations and issued an executive order that threatens to undermine the Antiquities Act. This 1906 law has been used by both presidents of both parties to protect public lands as national monuments. It's thanks to the Antiquities Act that sites of national importance — from the Statue of Liberty to the Grand Canyon to the Grand Staircase-Escalante National Monument in my home state of Utah — are permanently protected.

8. Does the U.S. Census undercount Utah Navajos?

The Salt Lake Tribune, April 27 | Brian Maffly

Demographers puzzled by last month's U.S. Census update showing that Utah's San Juan County is the nation's fast growing are now throwing doubt on the surprise findings, arguing that the census is probably now recording Navajo residents who have not been captured in past surveys.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

9. NATIONAL MONUMENTS: Trump's order could offer new openings for energy firms

E & E News, April 27 | Pamela King

President Trump's call to review at least 24 national monuments could ultimately offer energy firms new points of entry into western oil and gas plays.

10. NATIONAL MONUMENTS: Tribes bash Trump over Bears Ears review

E & E News, April 27 | Jennifer Yachnin

A coalition of Native American tribes that lobbied for the creation of Bears Ears National Monument in Utah slammed President Trump for mandating a review of the 1.35-million-acre site, asserting that the action will "undermine tribal sovereignty" in the region.

11. PUBLIC LANDS: Dems defy Trump, propose bill to save 9.2M acres in Utah

E & E News, April 27 | Scott Streeter

Senate Democrats yesterday reintroduced legislation to protect 9.2 million acres of federal lands in southern Utah's scenic red rock region — the same day President Trump signed an executive order that could dramatically alter dozens of national monuments, including two large ones in the Beehive State.

E&E/NATIONAL NEWS – TOP STORIES

1. What Trump's executive order to review national monuments could mean for climate

The Oregonian/Oregonlive, April 26 | The Associated Press

President Trump has directed the Interior Department to "review" all large national monuments created since 1996 to recommend ways for Congress to shrink or abolish them.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

2. LAW: Early skirmishes on Trump policies prefigure long legal war

E & E News, April 27 | Amanda Reilly

The Trump administration's legal maneuverings and attempts to begin unraveling regulations during its first 100 days have set the stage for what are likely to be prolonged, fierce battles in environmental law over the next four years.

3. COAL: Canadian port resists export ban in retaliation to Trump

E & E News, April 27 | Dylan Brown

British Columbia Premier Christy Clark responded to new U.S. tariffs on Canadian lumber by calling for a ban on all exports of thermal coal, most of which comes from the United States. Coal interests on both sides of the border are pushing back.

4. CLIMATE: Young plaintiffs, lawmakers tout 'trial of the century'

E & E News, April 27 | Amanda Reilly

A group of youth plaintiffs who are suing the federal government over its alleged role in causing and enhancing the danger of global warming today gathered in Washington to drum up support for their suit.

5. CLIMATE: Greens rally around clean energy bill, coal miners

E & E News, April 27 | Hannah Hess

Mustafa Ali, the former head of environmental justice at U.S. EPA, crossed the front lawn of the Capitol this morning to rally crowds for Saturday's climate march.

6. COAL: Big, young power plants are closing. Is it a new trend?

E & E News, April 27 | Benjamin Storrow

Many of the U.S. coal plants retired in recent years were geezers by industry standards. They trended old and small, and ran a fraction of the time. But in a vexing sign for the industry, those in the next round of retirements are decidedly middle-aged.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

7. REGULATIONS: Repeal of BLM methane rule will pass Senate — Barrasso

E & E News, April 27 | Kellie Lunney and Geof Koss

Will Vice President Mike Pence cast the tie-breaking vote next week to pass a Senate resolution repealing a controversial Obama-era rule regulating methane waste on public lands?

8. NATIONAL MONUMENTS: House Dems ask to meet Zinke over designations review

E & E News, April 27 | Jennifer Yachnin

Democratic lawmakers on the House Energy and Commerce and Natural Resources panels are seeking a briefing from Interior Secretary Ryan Zinke to discuss a looming review of several dozen national monuments that the Trump administration could seek to diminish or dissolve entirely.

9. COAL: Congress nears deal on miner benefits

E & E News, April 27 | Dylan Brown

Lawmakers trying to save retired union coal miners' health benefits believe they are on the cusp of a deal to permanently resolving the long-standing issue.

10. OFFSHORE DRILLING: Senate bill would bar presidential moratoriums

E & E News, April 27 | Emily Yehle

Republican Louisiana Sens. Bill Cassidy and John Kennedy introduced a bill yesterday that aims to prohibit presidents from imposing long-term moratoriums on offshore drilling.

11. NATIONAL PARKS: Trump tweet on closures at odds with Zinke's promise

E & E News, April 27 | Emily Yehle

President Trump warned today that national parks could close if the government shuts down, seemingly contradicting Interior Secretary Ryan Zinke.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

UTAH – FULL STORY

1. Trump puts bull's-eye on Bears Ears National Monument

The Deseret News, April 26 | Amy Joi O'Donoghue

SALT LAKE CITY — President Donald Trump on Wednesday vowed to end the "abuses" of the Antiquities Act and return power to the states, specifically mentioning the new Bears Ears National Monument in southeast Utah.

Trump, in signing an executive order calling for a review of national monument designations over the past 21 years, said the action is "to end these abuses and return control to the people, the people of Utah, the people of all of the states, the people of the United States."

The president signed the order Wednesday morning at the Department of the Interior surrounded by top Utah Republicans, including Gov. Gary Herbert, Sens. Orrin Hatch and Mike Lee, and Rep. Chris Stewart.

"The previous administration used a 100-year-old law known as the Antiquities Act to unilaterally put millions of acres of land and water under strict federal control, eliminating the ability of the people who actually live in those states to decide how best to use that land," Trump said. "Today we are putting the states back in charge. It's a big thing."

Afterward, Herbert's office released a statement praising the executive order.

"I appreciate President Trump, Vice President Pence and Secretary Zinke's comments and actions today to address the historical abuse of the Antiquities Act. The review ordered is critically important and holds the potential for a great restoration of integrity," Herbert said.

"Throughout its history, the state of Utah has had something of a Jekyll and Hyde relationship with the act. We have been the beneficiary of assertive, yet measured, presidential action using this tool; but we have also felt a deep and lasting burden when it has been misused."

Environmental groups immediately denounced the executive order, accusing the Trump administration of putting industry interests ahead of conservation and initiating action that puts landscapes at risk.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

But at the signing ceremony, Trump said the power to designate monuments has been abused, pointing out the Obama administration created monuments enveloping 265 million acres of land and water — an area that is larger than the state of Texas.

"In December of last year alone, the federal government asserted this power over 1.35 million acres of land in Utah known as Bears Ears ... over the profound objections of the citizens of Utah," said Trump, adding that he has "heard a lot about Bears Ears. I've heard it is beautiful."

"The Antiquities Act does not give the federal government unlimited power to lock up millions of acres of land and water, and it is time we ended this abusive practice," the president said.

Lee predicted the Interior Department's review of monument designations will result in the rescission or alteration of the Bears Ears National Monument — action that Utah's congressional delegation, governor and other top elected officials have requested.

Trump said monument designations like Bears Ears represent an abuse of the executive power under the Antiquities Act that has continued to grow over the years.

"It's gotten worse and worse, and now we are going to free it up," he said, "which is what should have happened in the first place. It should have never have happened."

Trump also specifically recognized Hatch, referencing the talks the two had over Bears Ears at the White House.

"And believe me, (Hatch) is tough. He would call me and call me and say, 'You got to do this.' He didn't stop. He didn't give up. He is shocked that I am doing it, but it is the right thing to do," Trump said.

San Juan County Commissioner Bruce Adams said he watched the news conference live and is "absolutely thrilled."

"We had felt from the very beginning that the monument as it was proclaimed by President Obama was an overreach, it was too big, and it did not fit the heart and soul of the Antiquities Act," he said. "It was trying to protect objects that were not unique, not historic, not significant, and they did not use the smallest amount of land to protect objects that were listed in the proclamation."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Adams said the proclamation mentions night skies, solitude and a variety of plants and animals, including bats.

"The solitude, the dark skies, the animals, the plants, most of those animals and plants can be found in hundreds of other places."

The ceremony was also attended by the governors of Maine and Guam, as well as representatives from the Northern Mariana Islands — other geographical hot spots where Obama's monument designations have drawn protest from elected officials.

"We're now getting something done that many people thought would never, ever get done, and I am proud to be doing it in honor of you guys," Trump said.

In his closing remarks, Trump brought up the Bears Ears landscape in southeast Utah.

"Again I want to congratulate the secretary and Orrin (Hatch) and Mike (Lee) and all of the people who worked so hard in bringing it to this point and tremendously positive things are going to happen on that incredible land, the likes of which there's nothing more beautiful anywhere in the world, but now tremendously positive things will happen," he said.

Reaction was swift on Trump's actions.

"President Trump has launched an all-out assault on our national monuments and public lands. He made it clear today that he will eliminate protections for some of America's most spectacular lands, waters and cultural sites, opening them up to drilling and mining," said Jennifer Rokala, executive director of the Center for Western Priorities.

Native American tribes reacted with outrage.

"It is extremely troubling that after years of effort to protect ancestral native lands, President Trump and Secretary Zinke plan to give a cursory look at Bears Ears National Monument," stated Carleton Bowekaty, Zuni councilman and Bears Ears Inter-Tribal Coalition co-chairman.

"For the first time in history, five sovereign nations came together to advocate for Bears Ears National Monument in order to protect this sacred cultural landscape that carries deep meaning for our people. This so-called 'review' creates a process to attack the designation of Bears Ears National Monument, and all public lands that are cherished by the American people."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The Sutherland Institute's Matt Anderson praised the action.

"National monuments are no longer about protecting specific historical and cultural sites," Anderson said. "Instead, political gamesmanship, outdoor recreation, climate change and other motivations inconsistent with the original intent of the Antiquities Act rule the designation process."

"Repurposing a law to fit one individual's agenda is wrong. No one wins when the executive branch ignores laws with impunity — not rural communities, and not the antiquities themselves. It doesn't have to be this way," he said.

In an advance news briefing Tuesday, Interior Secretary Ryan Zinke said the review called for under the executive order will focus primarily on the Bears Ears designation in the first 45 days. He plans to visit Utah before making any recommendations on the monument's fate.

"The Interior is the steward of America's public lands. Part of being a good steward is being a good neighbor and being a good listener. In the Trump administration, we listen and then we act," Zinke said. "For years, the people of Utah and other rural communities have voiced concern and opposition to some monument designations. But too often in recent history, exiting presidents make designations despite those concerns. And the acreage is increasing."

The Bears Ears Inter-Tribal Coalition and multiple environmental groups were behind the push for Obama to make the designation, seeking federal protections for land Native American tribes in the region say is sacred because of their ancestral ties.

The land is said to be the most archaeologically rich area in the country, full of thousands of cultural resources.

Last July, then-Interior Secretary Sally Jewell visited southeast Utah and toured the Bears Ears region, meeting with elected officials, monument supporters and going to the Bears Ears meadows and talking with Native American tribes.

At the time, Jewell said it was clear the area deserved added protections and noted she was shocked at the vast number of artifacts in jeopardy of looting.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Utah's elected officials complained the Jewell visit was more about ceremony and show, and less about listening to local concerns over what may happen in the aftermath of a monument designation.

When Obama issued the proclamation on Bears Ears in December, the document directed the establishment of a Bears Ears Tribal Commission to provide guidance and direction on future management plans.

Native American tribes called the move historic.

"The designation of Bears Ears National Monument has been a celebratory moment in our history, where our voice was finally heard and our cultural and spiritual heritage was respected," said Davis Filfred, Navajo Nation Council delegate.

"Unfortunately, the Utah delegation has continued to attack tribes and this unnecessary executive order serves to undermine tribal sovereignty. If Secretary Zinke truly believes that 'sovereignty should mean something,' as he had said, we hope he will finally respond to the tribes' multiple requests to meet with him," Filfred said.

Kristen Brengel, executive director of the National Parks Action Fund, decried the executive order.

"This executive order is a direct attack on our national parks and the value they bring to the lives of all Americans. The Trump administration is reviewing the worthiness of our historic, cultural and natural heritage. This is a sad day for all Americans — our conservation lands and history is on the chopping block," Brengel said.

[BACK](#)

2. What You Need to Know About Trump's National Monument Rethink

National Geographic, April 26 | Laura Parker

Utah has 13 national parks and monuments, most set in spectacular red-rock formations that make it the envy of tourist bureaus everywhere. But the day after Donald Trump's inauguration, Utah's four congressmen and two U.S. senators asked the president to abolish the newest of these chiseled landscapes to be preserved—the Bears Ears National Monument created by Barack Obama in the final days of his administration.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Wednesday, Trump took the first step toward that end—and then some.

In a sweeping executive order with few precedents, Trump instructed Interior Secretary Ryan Zinke to review as many as 40 national monuments created over the past 21 years to determine if any of his three predecessors exceeded their authority in setting aside large tracts beyond the land that needed protection. The review is targeted on monuments that are at least 100,000 acres in size and reaches back to 1996, midway through the Clinton administration, when Bill Clinton's creation of the 1.7-million-acre Grand Staircase-Escalante National Monument in southern Utah stirred such fury that opponents still search for ways to shrink it two decades later.

Trump, in remarks at the Interior Department, characterized the creation of national monuments by Obama as “an egregious abuse of power” and suggested the review could result in turning some federal lands, or monuments, back over to the states.

“I’ve spoken with many state and local leaders … who care very much about conserving land and are gravely concerned about this massive federal land grab,” he said. “And it’s gotten worse and worse and worse and now we’re going to free it up. It never should have happened. I am signing this order to end abuses and return control to the people.”

Even in the face of Trump’s frenetic efforts to erase other parts of Obama’s legacy on multiple policy fronts, his call for “ending abuse of monument designation” stands out. No president has ever revoked a national monument named by a predecessor. No president has ever tried.

Doing away with or significantly shrinking any national monument would invite a court challenge over presidential powers—and further inflame the long-running dispute over public lands that dates to the settlement of the American West.

“We will be ready, absolutely, see you in court,” says Randi Spivak, a spokeswoman for the Center for Biological Diversity in Tucson, Ariz., one of multiple groups that drew up legal papers weeks ago to defend monuments.

Bears Ears: sacred and stunning National Monument

Conservative lawmakers have long argued that the federal government, which owns almost half the land in 11 western states in the continental United States, should turn control of much of it over to the states—or sell off parcels for commercial development and the allure of new jobs.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

National monuments come under fire from critics as “land grabs,” although the land being “grabbed” is already owned by the federal government. They are also derided as “midnight monuments,” for the tendency of presidents to create them in the waning days of their presidencies.

Lyndon Johnson holds the record in that regard, for having expanded Utah’s Arches National Monument in the final 90 minutes of his term—although Clinton managed to infuriate Utah’s congressional delegation by keeping his creation of the Grand Staircase, which locked up a rich vein of coal in the Kaiparowits Plateau, under wraps until it was too late. The congressmen learned about it not from the White House, but by reading the newspaper.

Anti-federalist sentiment is especially vocal in Utah, where the federal government owns 63 percent of the land. The creation of Bears Ears was seen by some as an insult to working folks trying to make a living in hardscrabble rural reaches like San Juan County, which contains part of the eastern section of Bears Ears. It is Utah’s poorest county and has not voted for a Democrat for president since Franklin Roosevelt.

Utah’s congressmen denounced Bears Ears as “a slap in the face” and “a travesty.” Rep. Rob Bishop, chairman of the House Natural Resources Committee, promised, in a website video, “We will fight to right this wrong.”

That includes, he added, rolling back the 111-year-old law that grants presidents the authority to create monuments.

“These are very popular places,” says Brad Sewell, a senior lawyer with the Natural Resources Defense Council, a nonprofit environmental organization. “Many of our national parks started as national monuments. Even in Utah, where a fair amount of opposition is brewing in certain quarters, the public at large is in favor of national monuments.”

Antiquities Act gives President broad powers

The presidential power to create national monuments on federal lands flows from the Antiquities Act, signed into law in 1906 by President Theodore Roosevelt. Congress gave broad discretion to set aside “historic landmarks … and other objects of historic and scientific interest.”

Roosevelt, whose legacy as a conservationist is often heralded, took full advantage. Within three months, he created Devil’s Tower in Wyoming as the first national monument. He went on to



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

create 17 additional national monuments in nine states, including the Grand Canyon, which Congress upgraded to a national park in 1919.

Every president since, except Ronald Reagan, has used the law to set aside land to be preserved in national monuments—more than 120 in all. Obama created 34 national monuments, more than any other president, conserving more than 550 million acres on federal land or in federal waters.

Disagreement over the Antiquities Act's intent lies in its simplicity. The four-paragraph law clearly states that the president is authorized to "declare" national monuments. But the law says nothing about the presidential authority to do the reverse.

"The Antiquities Act does not provide for rescinding a national monument," says Robert Keiter, director of the University of Utah's Wallace Stegner Center, and a specialist in public lands law. "The courts have not ruled on whether there is an implied power in the statute. The issue has never been litigated previously."

Numerous Attorney General opinions argue that the president lacks the power to revoke, most notably one authored by President Franklin Roosevelt's attorney general in 1938. When FDR inquired if the Antiquities Act allowed him to scuttle a derelict Civil War-era fort in Charleston, South Carolina, as a national monument, he was advised it did not. Successive administrations heeded that advice.

Presidents have downsized about 20 monuments, most with minor adjustments. The exception is the 639,000-acre Mount Olympus National Monument, created by Theodore Roosevelt in 1909 and cut in half by Woodrow Wilson in 1915 to keep a supply of timber flowing to build Navy ships for World War I. None of the resizings were challenged in court, so that question has yet to be tested.

Outrage and Protest

It would be a mistake to conclude that the controversy engulfing Bears Ears cries out for a dramatic change. The dispute represents neither a shift in either the nation's warm embrace of national monuments nor the contentious politics associated with their birth. The history of national monuments is replete with friction and strife, starting with the litigation over creation of the Grand Canyon National Monument, now one of the most popular tourist destinations in the world.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

In 1907, opposing mining interests argued the monument was simply too large and violated a clause of the Antiquities Act that limits monuments to "the smallest area compatible with ... the objects to be protected." Trump seized on that phrase in alleging presidential abuse even though the Supreme Court found that Theodore Roosevelt indeed had authority to create a monument of such vast size. William Randolph Hearst complicated the politics further as the Grand Canyon was about to become a national park, requiring a provision to be tacked on preventing construction of any structures between the newspaper magnate's property and the canyon rim that might block his view.

Franklin Roosevelt created Grand Teton National Monument from 35,000 acres of ranchland secretly purchased by John D. Rockefeller, a move that ignited such political blowback from Wyoming ranchers that the Antiquities Act was amended to exclude Wyoming from ever having another national monument.

Despite the machinations, the public largely supports even the most controversial monuments—one reason why Congress, which has clear authority to abolish national monuments, rarely does. It has revoked a handful of monuments, including, in 1955, the South Carolina fort that so pained FDR. More often, Congress has turned national monuments into national parks—more than 30 so far, including Joshua Tree in California, Denali in Alaska, and Olympic in Washington state. Four of Utah's "Big Five" national parks—Arches, Bryce, Zion and Capitol Reef—began as monuments.

Bears Ears was created by Obama last December at the request of five Native American tribes that spent six years in public meetings developing the plan.

The monument is named for the twin buttes that jut above a horizon of red-rock formations, with both high mountain peaks and sandstone canyons. The area is so remote it was one of the last in the continental United States to be mapped.

Bears Ears National Monument now also protects thousands of cultural and archaeological sites containing tribal artifacts that were vulnerable to looting. The tribes asked that the monument include 1.9 million acres. Obama reduced it to 1.35 million, about the same size of a state plan to protect tribal artifacts that the Utah delegation supported.

Backlash Builds



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Some view Trump's broad review of two decades of monuments as a thinly disguised effort to take aim at just two: the Grand Staircase-Escalante and Bears Ears. Congress has already adjusted the size of the Grand Staircase, codifying the new boundaries in law—something that could make it difficult for Trump to wipe away with the flick of his pen.

"You can bet the mortgage that the administration's review will turn out to be a show trial where the verdict is pre-determined: monuments are bad for local economies, are opposed by local interests and ought to be overturned and shrunk," says Tom Kenworthy, board chairman of the Southern Utah Wilderness Alliance, based in Moab. "In fact, the opposite is true. The Grand Staircase, for example, now enjoys strong support of local business leaders."

On Monday, Sen. Orrin Hatch thanked Trump for the review, though he left little doubt about his expectations for the outcome. In a speech on the Senate floor, Utah's senior senator, a Republican, said he had been working closely with the Trump administration "from day one to right the wrongs of the previous administration."

Hatch praised Trump as committed to defending the Western way of life, and added: "I was encouraged that—unlike his predecessor—President Trump actually took the time to listen and understand the heavy toll of such overreaching actions.... I am deeply grateful for his willingness to work with us to undo the harm caused by the overreach of his predecessors."

Although the Utah delegation has Trump's ear for now, the election also reinvigorated supporters of public lands, including a coalition of unnatural allies: environmentalists, sportsmen, and business leaders who want public lands protected and are speaking out. In Montana, Zinke's home state, the governor's race was largely decided by a debate over the value of protecting public lands. Gov. Steve Bullock, a Democrat, was reelected after casting his Republican opponent as caving to mining and grazing interests.

In Utah, where tourism is the state's largest "exported" industry, bringing in \$8 billion in visitor dollars, the politicians' tough stand against Bears Ears has come with costly consequences. In protest, the Outdoor Industry Association pulled its twice-yearly trade show from Salt Lake City, where it has been held for the past 20 years—a move that costs Utah \$45 million.

Earlier this year, Utah Rep. Jason Chaffetz got an eye-opening lesson from defenders of public lands after he introduced a bill that would have ordered the Interior Department to sell off 3.3



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

million acres of public land. The backlash against it was so swift and ferocious that he withdrew the bill a week later.

He wrote on Instagram that he'd pulled his bill because he feared it "sent the wrong message."

But he added, "This fight is far from over."

Now it's up to Trump.

[BACK](#)

3. Forest Service seeks comments on Maple Canyon fee increase

The Pyramid, April 26 | Press Release

PRICE — Recreation managers on the Manti-La Sal National Forest are interested in hearing public comments on a proposal to increase fees for both camping and day use at Maple Canyon Campground.

Fees at campsites A-F, would be raised from \$3 to \$5 per night. Fees at campsites 2-14 would be raised from \$8 to \$10 per night. Fees for day use would go from \$3 to \$5 per vehicle.

The majority of the revenue collected at Maple Canyon (95%) would remain on the forest to operate, maintain and improve recreation facilities.

Maple Canyon Campground has received several improvements over the last five years including new picnic tables, informational kiosks, and gravel on roadways. In addition, campground fees have helped staff this site with campground hosts who have greatly enhanced visitor services.

All fee proposals will be presented before a citizen's advisory committee, Utah BLM Recreation Resource Advisory Committee (RRAC). Committee members represent a broad array of recreation interest groups to help ensure that the Forest Service is proposing reasonable and publicly acceptable fee changes.

Committee members will help ensure that the Forest Service addresses public issues and concerns about recreation fees. The public is welcome to attend and comment at all advisory committee meetings.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

This fee proposal would be presented at the winter RRAC meeting tentatively scheduled for January 2018. The exact meeting time, location and agenda will be announced on the forest website and through local media.

These fee proposals will also have extensive reviews by both the Forest Service Regional and Washington Offices.

In 2004, Congress passed the Federal Lands Recreation Enhancement Act which allows the Forest Service to retain funds collected at certain recreation sites and use these funds locally to operate and maintain and improve these sites.

Before the Forest Service received the authority to retain funds locally, all fees collected by the Forest Service went to the national treasury.

For more information, questions or comments about this fee proposal please contact: Austin Hiskey, Sanpete District Recreation Specialist, (435) 636-3328 or email at ajhiskey@fs.fed.us.

All comments should be sent to Austin Hiskey, Sanpete Ranger District, Manti-La Sal National Forest, 540 North Main Street, Ephraim, UT 84627-1117 by August 1, 2017.

Information about this fee proposal is also located on the forest website:
<http://www.fs.usda.gov/main/mantilasal/>

[BACK](#)

4. **Planners: Congestion inevitable, but northern corridor would help**

St George News, April 26 | Julie Applegate

ST. GEORGE – Planners scrambling to meet future transportation needs in Southern Utah say even if the controversial northern corridor is built, congestion is inevitable if growth continues as expected.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

But the controversial road through protected desert tortoise habitat would prevent some issues. County planners have advocated with the Bureau of Land Management for a northern corridor route, and recently filed an appeal in the matter.

Without a northern corridor, several major intersections in St. George will reach capacity and fail by 2040, Myron Lee, director of the Dixie Metropolitan Planning Organization, said.

A road is needed to connect Washington Parkway at Exit 13 on Interstate 15 to Snow Canyon Parkway. However, the planned routes would cut through the Red Cliffs Desert Reserve which was set aside to protect the tortoise.

Lee shared the Dixie MPO's 2011 Washington Parkway Cost/Benefit Study and the preferred route for a northern corridor with the Habitat Conservation Advisory Committee at a regular work meeting Tuesday.

The Advisory Committee oversees the well-being of the tortoise and other species as directed in the Habitat Conservation Plan. The plan governs the Red Cliffs Desert Reserve and the Red Cliffs National Conservation Area and is managed by the Bureau of Land Management.

The Governors's Office of Planning and Budget has predicted that Southern Utah will see an additional 386,000 residents in the next 30 years, Lee said.

Dixie MPO looked at four options for a northern corridor, Lee said; option No. 3 offers the greatest cost-benefit ratio.

Option No. 3 would run north and west from Exit 13, north of Green Springs, and then head west before dropping southwest to intersect with Red Hills Parkway. It would allow access to state Route 18 and Snow Canyon Parkway and has a potential to tie-in to Cottonwood Road, which is also in the Reserve.

"The question comes up; if we don't have the northern corridor connecting those two points, then where do you put 32,000 to 46,000 vehicles per day? There's just no place to put them," Lee said.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Option No. 3 would carry up to 46,000 vehicles a day and draw the most traffic from adjacent corridors, Lee said. It would reduce trips on St. George Boulevard, Red Hills Parkway and Red Cliffs Drive by up to 19,000 vehicles a day.

Dixie MPO preliminary estimates put the cost of option No. 3 at \$56 million. However, Larry Crist, who represents the U.S. Fish and Wildlife Service on the advisory committee, said that estimate is low and mitigation for lost tortoise habitat could increase the cost significantly.

Option No. 4 is the next best alternative, Ivins Mayor

Chris Hart said. Hart sits on the Dixie Transportation Executive Committee, the governing body of the Dixie Metropolitan Planning Organization.

Option No. 4 would extend Skyline Drive east thru the Green Springs Golf Course driving range and tie into Greens Springs Drive.

Option No. 4 would cause less habitat fragmentation, HCP director Cameron Rognan told the advisory committee.

Any road through the reserve will be a tough sell to biologists overseeing conservation of the desert tortoise and would require mitigation. This would likely include replacement habitat for any land that is destroyed at up to a 5-1 ratio, depending on the quality of the habitat that is lost.

It will likely require Congressional action for the northern corridor to become a reality, Washington County Commissioner Dean Cox told the Advisory Committee, and the county is pursuing all options.

Congestion inevitable

However, even with the northern corridor and all the other planned transportation improvements, there is no way to avoid congestion in Washington County if the expected growth occurs, Lee said.

To fully meet the travel demand in 2040, four things are needed, the Dixie MPO study states:

- A more robust transit network.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

- More high-capacity intersections.
- Alternative corridors such as the controversial northern corridor.
- An emphasis on land-use planning that reduces trip lengths as advocated by Vision Dixie.

Dixie MPO's traffic model is based on annual daily average traffic Monday through Friday, and does not take into account weekends, holidays or major events, Lee said.

"So you can have significantly more (traffic) than this on a Presidents Day or Memorial Day holiday," Lee said.

"In planning roads, we can't plan for the special events but we do have to plan for daily events like people getting to work and to the store."

[BACK](#)

5. Science and politics collide over Bears Ears and other national monuments

Sciencemag.org, April 27 | Carolyn Gramling

President Donald Trump signed an executive order yesterday calling on the Department of the Interior (DOI) to review "all Presidential designations or expansions of designations under the Antiquities Act made since January 1, 1996." Why would a new president with so much on his plate care about 24 parcels of land and sea that his three immediate predecessors decided to protect permanently?

The answer, not surprisingly, is politics. Opponents of such designations see them as unwanted federal interventions. And that's why Trump has asked Secretary of the Interior Ryan Zinke to review those decisions, starting with an expanse of land in southeastern Utah surrounding a twin pair of mesas known as Bears Ears. Its designation was one of former President Barack Obama's last acts in office.

"In December of last year alone, the federal government asserted this power over 1.35 million acres of land in Utah, known as Bears Ears—I've heard a lot about Bears Ears, and I hear it's beautiful—over the profound objections of the citizens of Utah," Trump said during a signing ceremony at DOI. "The Antiquities Act does not give the federal government unlimited power to lock up millions of acres of land and water, and it's time we ended this abusive practice," he added.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Why do scientists think Bears Ears should be a national monument? And why are some Utahns so angry? Let's dig in.

What sort of antiquities might it hold?

Bears Ears preserves one of the best records in the United States of the middle to late Triassic, the era of the rise of the dinosaurs. It contains rocks dating to between 240 million and 200 million years old, according to paleontologist Robert Gay, now at the Colorado Canyons Association in Grand Junction, who had spearheaded the push for the designation and talked to ScienceInsider when the monument was created in December 2016. The Triassic was a strange time, Gay notes, with “little tiny, puny things running around getting eaten by everything else out there, giant toilet-headed reptiles, strange plant-eating crocodiles with giant pig snouts. Dinosaurs were a rare and minor component of this ecosystem.”

Right on top of those rocks in Bears Ears, Gay says, are rock layers from the very early Jurassic, with “dinosaurs everywhere. It’s one of the few places in the U.S. where we can directly document that huge faunal turnover.” Archaeologists have also long pushed for the Bears Ears designation, noting that it contains more than 100,000 archaeological sites, including cliff dwellings, rock art, and other structures belonging to Ancestral Pueblo people.

What’s the value of a national monument designation, aside from protection?

Frankly, it’s about money. Utah, like many states, has struggled to fund its own paleontology program. The state’s Bureau of Land Management office currently has just one paleontologist and two law enforcement officers. The national monument designation comes with a mandate for more funding for law enforcement, which means more eyes on the ground to keep fossil thieves at bay and more money for education “so that people know there are fossils out there,” Gay says.

Can Trump really reverse the designation?

A president designates a national monument under the Antiquities Act, using authority delegated to him by Congress. So in effect, the creation of a monument is an act of Congress. That’s why a subsequent president can’t just undo its creation by an executive order. But it’s not clear whether the president can use the Antiquities Act to rescind or shrink a monument, something that would be unprecedented. Trump’s directive to Zinke may or may not set any such changes in motion: He directs the secretary to “review” whether the monuments are of historic or scientific interest—and



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

whether the amount of land set aside is appropriate to meet this designation. The order also directs Zinke to ponder multiple uses on these lands, and whether the designation affects the use of lands not within the boundaries. For Bears Ears, Trump wants a preliminary report with suggested legislative acts within 45 days.

Do scientists think the land set aside in the Bears Ears National Monument is big enough to protect its treasures?

Not surprisingly, Obama's order was a compromise. There's a large region, called Red Canyon, that was dropped from the final monument boundary—it, too, contains a trove of Triassic fossils, Gay says. But mining companies are interested in its uranium deposits, and pushed successfully to exclude the canyon in the monument. Red Canyon has an existing mine, the Daneros Uranium Mine, which produces a concentrated form of uranium (known as yellow cake) to make fuel rods for power plants. The national monument designation would prohibit new mining operations, and the mine's owner, Energy Fuels, is seeking to expand the mine from its current 2 hectares to about 19 hectares.

Who contested Bears Ears' designation?

Land management is an extremely touchy issue in Utah, where some 65% of the state's land is owned by the federal government. Two decades earlier, President Bill Clinton had angered many state leaders with the designation of Grand Staircase-Escalante National Monument (see below); the battle over Bears Ears has tapped into that long-simmering anger.

In July 2016, Representative Rob Bishop (R-UT), who is also the chairman of the House of Representatives Committee on Natural Resources, and Representative Jason Chaffetz (R-UT) rolled out their Utah Public Lands Initiative, which included plans for what is now Bears Ears National Monument. However, the proposal, which promoted fossil fuel development in parts of the region and allowed motorized recreation, met with stiff opposition from both environmental and tribal groups, as well as from the Bureau of Land Management and the U.S. Forest Service. Bishop and Chaffetz tried unsuccessfully to win House approval for their plan before President Obama made the announcement.

Is Bears Ears the primary target?



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The period Trump chose, extending back to 1996, includes two of the most controversial monuments in recent years: Bears Ears and the nearby Grand Staircase-Escalante National Monument, also in Utah. That monument spans about 760,000 hectares and has proved, since its designation, to be fertile ground for hunting dinosaur bones, particularly from the Late Cretaceous.

In 2002, scientists unearthed the giant, 75-million-year-old duckbilled dinosaur *Gryposaurus monumentensis*. The region has yielded a diverse array of tens of thousands of fossils, including horned dinos called ceratopsians such as *Kosmoceratops richardsoni*, duck-billed dinos, and two new species of tyrannosaurs—including the 81-million-year-old *Lythronax argestes*, the oldest known tyrannosaurid. Grand Staircase-Escalante also contains ruins and rock art from both the pre-Columbian Fremont people and the Ancestral Pueblo peoples.

[BACK](#)

6. Huge Amounts of Mercury Have Vanished From Utah's Great Salt Lake

ScienceAlert, April 27 | Bec Crew

In the space of just five years, levels of toxic methylmercury in Utah's Great Salt Lake have dropped by almost 90 percent, and scientists are still trying to explain where it's gone.

While that disappearance might sound like good news, it's not due to new environmental policies or local clean-up efforts. And, strangely enough, the local wildlife is still carrying around just as much toxicity as before, which means something just doesn't add up.

Back in 2010, mercury levels in the Great Salt Lake duck population were so high, local officials were forced to issue a rare advisory that hunters avoid eating them for fear of poisoning.

Mercury was also found in the surrounding wetlands, leading researchers to connect these elevated levels to the methylmercury - an organic form of the element - produced by microbes on the lake bed as they absorb the mercury from the atmosphere.

"That created this expectation that there's a link between these high concentrations of methylmercury down in the deep brine layer and the elevated concentrations in waterfowl in the wetlands adjacent to the lake," says geologist William Johnson from the University of Utah.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

But by 2015, almost 90 percent of that methylmercury had vanished, even as levels in the local wildlife and wetlands remained elevated.

"If there's a direct connection between the environment at the bottom of the lake and the mercury in the ducks, you'd think you'd see a corresponding reduction of mercury in biota [animal and plant life]," says Johnson.

"We didn't see that."

The difference between mercury and methylmercury is that elemental mercury - the kind found in old thermometers - evaporates easily into the atmosphere, whereas methylmercury can accumulate in the sediment and be passed up the food chain.

This has been happening at the Great Salt Lake in unprecedented quantities - [US Geological Survey tests back in 2005](#) revealed that it had some of the highest mercury readings ever recorded in a body of water anywhere in the country.

It's all down to a Union Pacific railway line that divides the Great Salt Lake into a smaller northern arm and a larger southern arm, which causes the separated waters to experience very different conditions.

Because the northern arm receives no major river inflow, it's become far saltier than the southern arm. A number of pipes allow this denser water to flow into the southern, where it sinks to the bottom, and creates a heavier bottom layer above the lake bed sediment.

This prevents fresh oxygen from reaching the deepest waters of the Great Salt Lake, so microbes on the lake bed have to find something else to 'breathe'. They first depleted the nitrate, then the iron, manganese, and finally the sulphate.

We know that these microbes have started processing sulphate because the byproduct - sulphide - is responsible for the strong rotten egg smell that occasionally wafts from the lake.

This process also results in the conversion of any elemental mercury in the lake - deposited from the surrounding atmosphere - into toxic methylmercury.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"Mercury's really tricky," says Johnson. "It changes form."

In 2013, the pipes connecting the two arms of the Great Salt Lake were closed off for repair, and two years later Johnson and his team found that methylmercury in both the water and the lake bed sediment had decreased by 88 percent.

It was expected that because this source of methylmercury had been temporarily cut off, we'd see an effect on the millions of birds that migrate to the lake every year, but carcasses collected both before and after the pipe closures showed no significant change in mercury levels.

And as the team explains, the source of methylmercury in the surrounding wetlands is also unknown, as is the exact mechanism behind the almost complete disappearance of mercury in the deep lake layer since 2010.

But the investigation is ongoing, and with a much larger breach in the divide between the north and south arms of the lake having been opened in December 2016, the researchers are keen to see if a new "methylmercury factory" will appear at the bottom of the lake.

The study has been published in Environmental Science & Technology.

[BACK](#)

7. Op-ed: America's National Monuments Contribute to Economy, Support Small Businesses

The Morning Consult, April 27 | Kris Waggoner

This week, President Donald Trump called for a review of national monument designations and issued an executive order that threatens to undermine the Antiquities Act. This 1906 law has been used by both presidents of both parties to protect public lands as national monuments. It's thanks to the Antiquities Act that sites of national importance — from the Statue of Liberty to the Grand Canyon to the Grand Staircase-Escalante National Monument in my home state of Utah — are permanently protected.

This executive order is an attack on my community's economic future and on America's public lands heritage. I speak from firsthand experience about the positive impact national monuments



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

have on our economy. I own Escalante Outfitters, which provides tours, lodging, food, and more to visitors of the Grand Staircase-Escalante National Monument. Visitors come from across our country and the world to marvel at our colorful sandstone cliffs cascading across Utah's largest network of slot canyons. These visitors are key to the success of local businesses.

Our story in Escalante is just one of many examples of communities across our nation benefiting economically from national monuments and the protection of public lands. This week, the Outdoor Retailers Association released new data that shows outdoor recreation supports more than 7.6 million American jobs and fuels \$887 billion in direct consumer spending into our economy.

My business is an example of how outdoor recreation contributes to our country's economy. Since we bought the company 11 years ago, Escalante Outfitters has flourished and expanded. We employ more people than ever, and we've extended our season by two months. Every new year breaks the revenue record we set the year before. We attribute this growth to Grand Staircase-Escalante National Monument, and the fact that it put us on the map as a tourist destination.

Since the protection of the Grand Staircase-Escalante National Monument, our local tourism industry in Escalante has grown and is thriving. Two new hotels have been built — a clear indication that people want to visit — and there's also signs that more and more people want to live here. Businesses are opening to keep up with demand from new residents, from a hardware store to a medical clinic and a dentist. Now, there's even more jobs than there are people. While there are many factors that have contributed to this growth, in Escalante we see our national monument as the linchpin of our success.

This week, I've traveled to Washington, D.C., to share Escalante's story of economic growth and my experience as a small business owner. Ours is a story born in Southern Utah, but it also exemplifies what other communities with national monuments experience. Data from researchers at the nonpartisan Headwater Economics backs this up; they found that regions around national monuments have seen continued growth or improvement in employment and personal income.

President Trump's executive order has the potential to undermine the Antiquities Act — one of our nation's most important conservation tools. The executive order calls on the Department of



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Interior to review prior monument designations — an attack on places that are important economic drivers for our country. No president has attempted such a sweeping review previously and with good reason; no president has the legal authority to eliminate a national park or national monument. Legal scholars are in agreement on this important point.

I think the president will find that this type of attack on our national monuments and public lands is deeply unpopular. In 2017, Colorado College conducted a poll that found only 13 percent of Western voters supported removing protections for existing monuments. Conversely, 80 percent of Western voters supported keeping these protections in place. These numbers come as no surprise to me; after all, our national monuments and public lands help define who we are as a nation, protect stunning landscapes, and tell a story of our history and culture.

I'm well acquainted with the magic that draws people to Grand Staircase-Escalante National Monument, and how powerful it can be to explore the lands and experience that level of solitude. I still hike its narrow canyons almost daily, or ride my horse across the sagebrush flat with my 3-year-old.

We are not getting any more of these special places, and I, like so many others, have a keen sense of responsibility to preserve their value for my son and future generations. As a business owner and Vice President of my local Chamber of Commerce, I also have a sense of responsibility to protect the public lands that are at the foundation of our economy.

I urge our legislators in Washington, D.C., to join us in championing and defending the Antiquities Act against this new attack, and help safeguard the opportunities afforded by our national monuments.

Kris Waggoner is a local business owner in Escalante, Utah, and Vice President of the Escalante Chamber of Commerce.

[BACK](#)



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

8. Does the U.S. Census undercount Utah Navajos?

The Salt Lake Tribune, April 27 | Brian Maffly

Demographers puzzled by last month's U.S. Census update showing that Utah's San Juan County is the nation's fast growing are now throwing doubt on the surprise findings, arguing that the census is probably now recording Navajo residents who have not been captured in past surveys.

Evidence suggests that San Juan is home to many more American Indians than officially recognized, which could hold huge political and funding implications for the state's poorest county.

In March, the Census Bureau released adjustments showing that the population of the southeastern Utah county, home to the new and controversial Bears Ears National Monument, grew by nearly 1,200 people in 2016, indicating an improbable growth rate of 7.6 percent.

What changed was not so much the number of people calling San Juan home, but as how Navajos who live in remote areas near the Arizona state line were counted, according to Pam Perlich, director of demographic research at the U.'s Kem C. Gardner Policy Institute.

If true, the effects could be immense for the sparsely populated corner of Utah where a federal court has ordered county officials to redraw voting districts.

"A whole host of federal moneys are directed to counties linked to these numbers. Every person not enumerated costs the county thousands of dollars," said Perlich in a phone interview from Chicago where she presented her findings Tuesday.

"If you don't enumerate the populations, you aren't going to have the political representation, you don't have the funding, and you don't have the data to do proper planning," Perlich said. "This is an important issue for San Juan County and our Native populations."

Last month's census report indicated San Juan's alleged growth stemmed from net in-migration of 1,050 new residents, bringing its population to 16,895.

But Perlich and others, including Debbie Hatt of the Southeastern Utah Association of Local Governments, could find no evidence of such growth. School enrollment, church membership rolls and housing stocks were pretty flat.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"We are not seeing more kids on the buses, anything like that," Hatt said.

She said she wonders if the Census Bureau relies on flawed models for its interim population estimates between the once-a-decade surveys that are conducted with door-to-door head counting. Perhaps these estimates count the same person more than once, said Hatt. It can't be known for sure without access to actual Census data, which are currently not available.

Another possible explanation is that Native Americans who have previously not been counted had changed their behavior in ways that made them more visible to the models the Census Bureau uses to estimate rural counties' populations.

Perlich said Navajos are increasingly filing tax returns by tapping the Navajo United Way program known as Volunteer Income Tax Assistance, or VITA. Many Navajo live in remote places in Utah that have no addresses, so they use post offices in Arizona to conduct business.

"We think a couple hundred more filers complete [tax returns] in San Juan County for free rather than go to Arizona," said Perlich. "It could all be about where the tax returns were filed."

She vowed to keep investigating.

Others suspect the San Juan numbers surge reflects growing political engagement by Navajo, energized by the Bears Ears debate and other issues important to tribal members, such as schools and health care.

"There is a new dynamic," said Gavin Noyes, executive director of Utah Dine Bikeyah, the grass-roots group that championed Bears Ears conservation proposals.

"Navajo are working so hard to get their voices heard and getting their needs met," Noyes said. "It's fascinating and important to get to the bottom of this."

The possibility that the census undercounts American Indians also comes as no surprise to U. political science professor Dan McCool and Leonard Gorman, executive director of the Navajo Human Rights Commission, which is leading federal suits against San Juan County that allege county officials are violating the Voting Rights Act at the expense of Navajos.

"This is a problem all over Indian Country, for a variety reasons," said McCool, who has testified in several voting-rights cases brought by various tribes including the Navajo.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"Some don't have physical addresses and live in scattered places," he said. "Census counters are reluctant to go to remote places when they can go to towns."

One of the Navajo lawsuits targets school board and county commission districting, alleging that district boundaries are unfairly set to dilute Navajo political influence. As a result, the litigation contends, American Indians will never secure majority representation on these boards, even though at least half the county's population is Navajo and Ute.

The districts in question have not been adjusted since they were established in 1986 despite growing evidence they are no longer equitably drawn, according to a ruling issued last year by District Judge Robert Shelby.

"The county has a difficult time grasping the need to make the necessary changes," Gorman said.

That may be because districts that more accurately reflect San Juan County's population could shift political power to American Indians and away from Anglos who have historically controlled local government. The possibility of uncounted Navajo in the county's southern district could bolster the tribe's case against the county.

Shelby concluded the county commission districts violate federal law and ordered them redrawn. According to his ruling, district lines have been maintained with the express intention of concentrating American Indian voters into District 3 centered around Bluff, the seat currently held by tribal member Rebecca Benally. Shelby found this district is 92 percent American Indian constituents, representing about three-fifths of the county's tribal population.

The county had claimed those district lines were fixed to comply with a consent decree to settle a voting-rights action 30 years ago that has ensured at least some Navajo representation on three-member county commission.

But Shelby rejected that reasoning.

"Keeping an election district in place for decades without regular reconsideration is unusual in any context," the judge wrote. "But when the asserted justification for this inertia is a racial classification, it offends basic democratic principles.

"San Juan County is not frozen in time, and neither are the interests and attitudes of its citizens," Shelby continued. "Even if the two largest voting groups within the county may find their



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

political interests at cross-purposes, voters within the county may pursue those interests on an ongoing basis, and should not have to do so within unnecessary racial lines."

San Juan County has already begun the contentious process of drawing new district boundaries, but its efforts could be greatly complicated — if the census indeed counts more American Indians than previously recorded.

[BACK](#)

9. NATIONAL MONUMENTS: Trump's order could offer new openings for energy firms

E & E News, April 27 | Pamela King

President Trump's call to review at least 24 national monuments could ultimately offer energy firms new points of entry into western oil and gas plays.

The president's [executive order](#) instructs Interior Secretary Ryan Zinke first to produce a report on Bears Ears National Monument and then to recommend whether the administration should modify or rescind management of other sites designated after 1996 (Greenwire, April 26).

Though Bears Ears has limited potential for oil and gas development, industry groups have said that companies would be interested in infiltrating the 1.35-million-acre monument — if its federal protections were altered (Energywire, April 13).

"The Antiquities Act does not give the federal government unlimited power to lock up millions of acres of land and water, and it's time we ended this abusive practice," Trump said yesterday before signing the order.

During a Tuesday briefing, Zinke cautioned against assumptions that his review would open the door for more oil and gas activity on the lands his agency manages.

The executive order "doesn't predispose an outcome," he said.

When taken with Trump's [executive order on energy independence](#), it's difficult to imagine the monuments order will have any other result, said House Natural Resources ranking member Raúl Grijalva (D-Ariz.).



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"Requiring extensive 'review' of monuments while abolishing almost all review of new mining or drilling is evidence of bad faith," the congressman said in a statement yesterday.

The order's review timelines — 45 days for a look at Bears Ears and 120 days to examine all eligible monuments — is a mockery of the designation process, said Athan Manuel, director of the Sierra Club's lands protection program.

"It just doesn't pass the laugh test," he said. "They don't have enough staff there."

Manuel said the order is unlikely to open the monuments to new activity by oil and gas operators and other industries.

"I just don't believe this review is going to lead to any of these monuments being overturned," he said. "Public support is why all of these areas are being protected."

If the order does prompt any designation changes, here are three monuments that are particularly ripe for oil and gas development:

Grand Staircase-Escalante National Monument

Location: Utah

Date established: Sept. 18, 1996

Size: 1.87 million acres

Energy potential: Grand Staircase-Escalante, the oldest monument eligible for review under Trump's executive order, contains billions of dollars' worth of coal, petroleum and other minerals, according to a 1997 [analysis](#) by the Utah Geological Survey. Twenty years ago, the area's petroleum resources alone were valued between \$20 million and \$1.1 billion, according to state geologist Lee Allison.

President Clinton's proclamation establishing the Grand Staircase-Escalante National Monument withdrew the region from new federal mineral leases. The designation honored existing claims, encompassing 68 mining leases across 2,700 acres, 85 oil and gas leases across 136,000 acres, and 18 coal leases across 52,800 acres, according to the monument's [management plan](#).

Canyons of the Ancients National Monument

Location: Colorado



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Date established: June 9, 2000

Size: 178,000 acres

Energy potential: Among the sites included in this list, the designation defining Canyons of the Ancients National Monument included the strongest allowance of oil and gas development.

"Because most of the Federal lands have already been leased for oil and gas, which includes carbon dioxide, and development is already occurring, the monument shall remain open to oil and gas leasing and development," Clinton's proclamation says.

Clinton directed the Interior secretary to manage development of the monument's mineral resources to ensure that extraction would not interfere with the site's protected objects.

If the monument's designation were revisited, that balance could be disrupted, Sen. Martin Heinrich (D-N.M.) said on a conference call yesterday.

"Clearly that is a landscape that is feeling pressure," he said.

Upper Missouri River Breaks National Monument

Location: Montana

Date established: Jan. 17, 2001

Size: 378,000 acres

Energy potential: The Upper Missouri River Breaks National Monument contained 10 active wells and two approved drilling permits in 2008, according to a development scenario compiled by the Bureau of Land Management's Lewiston, Mont., field office. There were 41 total active wells and three approved permits in the monument's vicinity, the analysis shows.

BLM found high development potential in 18 areas within the monument and moderate potential in all other federal lands included in its study. That assessment was contingent upon market prices and infrastructure availability.

"With gas prices now ranging between \$5 and \$7/MCF and more infrastructure available, the economic incentive exists to further explore and develop natural gas resources in the Monument," the Lewiston office wrote nearly a decade ago.

The price of a thousand cubic feet of natural gas stood at \$3.26 yesterday.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

[BACK](#)

10. NATIONAL MONUMENTS: Tribes bash Trump over Bears Ears review

E & E News, April 27 | Jennifer Yachnin

A coalition of Native American tribes that lobbied for the creation of Bears Ears National Monument in Utah slammed President Trump for mandating a review of the 1.35-million-acre site, asserting that the action will "undermine tribal sovereignty" in the region.

Trump signed an executive order yesterday directing Interior Secretary Ryan Zinke to conduct a review of all national monuments created under the Antiquities Act since 1996 with an eye toward shrinking or even eliminating sites, as well as modifying management of those lands (*Greenwire*, April 26).

The White House directive placed an emphasis on the Bears Ears monument, which will be the first subject to recommendations when an interim report is due on June 9, 45 days from the order's signing. Any other recommendations must be completed within 120 days of the order.

The Bears Ears Inter-Tribal Coalition — which represents the Hopi, Navajo, Ute Indian Tribe, Ute Mountain Ute and Zuni and urged the creation of the monument — voiced displeasure over the pending review yesterday, noting that Zinke has yet to respond to invitations to meet with local tribal leaders.

"The designation of Bears Ears National Monument has been a celebratory moment in our history, where our voice was finally heard and our cultural and spiritual heritage was respected," Navajo Nation Council Delegate Davis Filfred said in a statement.

He added: "Unfortunately, the Utah delegation has continued to attack Tribes and this unnecessary executive order serves to undermine Tribal sovereignty. If Secretary Zinke truly believes that 'sovereignty should mean something,' as he had said, we hope he will finally respond to the Tribes multiple requests to meet with him."

Similarly, Bears Ears Inter-Tribal Coalition Co-Chairman Carleton Bowekaty criticized the short timeline for review as a "cursory look" at the monument.

"For the first time in history, five sovereign Nations came together to advocate for Bears Ears National Monument in order to protect this sacred cultural landscape that carries deep meaning



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

for our people," said Bowekaty, who is also a Zuni councilman. "This so-called 'review' creates a process to attack the designation of Bears Ears National Monument, and all public lands that are cherished by the American people."

The Ute Indian Tribe's Business Committee chairman, Shaun Chapoose, told E&E News that he was disappointed Trump's remarks announcing the review yesterday failed to mention tribal interest in the land, even as the president disparaged what he called a lack of local input in the designation.

"That's what's got all the tribal leaders concerned. You would assume because it involves tribes they would reach out and give them an opportunity to comment or address their concerns," Chapoose said.

He added: "It makes me concerned because what kind of created the whole push for the monument to begin with was the same: [Lawmakers] not engaging the tribes themselves in the conversation. That's always been the crux of this whole mess."

Chapoose said he remains optimistic that Zinke will involve the tribes in his review of Bears Ears.

"My hope is that Secretary Zinke will actually engage us and hear from us," Chapoose said. "But if we're once again left out of the conversation ... that creates a whole new problem."

During his remarks at the Interior Department yesterday, Zinke mentioned that he expects to work with "local, state and tribal representation" in the review process.

But Native American Rights Fund officials argued that no further review is needed, pointing to the process through which Bears Ears was created before President Obama designated the site in the final weeks of his term.

"Make no mistake, this order has nothing to do with asking for public input," NARF staff attorney Natalie Landreth said. "They got that in creating the Bears Ears monument. They just don't like the result. This order is about taking away public lands from the American people in order to free them up for resource exploitation."

[BACK](#)



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

11. PUBLIC LANDS: Dems defy Trump, propose bill to save 9.2M acres in Utah

E & E News, April 27 | Scott Streater

Senate Democrats yesterday reintroduced legislation to protect 9.2 million acres of federal lands in southern Utah's scenic red rock region — the same day President Trump signed an executive order that could dramatically alter dozens of national monuments, including two large ones in the Beehive State.

Illinois Sen. Dick Durbin's "America's Red Rock Wilderness Act of 2017" would designate an enormous area as federal wilderness, including Desolation and Labyrinth canyons, the Dirty Devil River, Lower Bitter Creek, White Canyon, and the San Rafael Swell — all currently managed by the Bureau of Land Management.

The bill is a companion to legislation filed earlier this month by Rep. Alan Lowenthal (D-Calif.) that has 30 co-sponsors, all Democrats, from 17 states (E&E Daily, April 7).

Durbin's bill has 17 co-sponsors from 13 states, all Democrats, including Sens. Michael Bennet of Colorado, Martin Heinrich of New Mexico and Elizabeth Warren of Massachusetts.

The Durbin and Lowenthal bills are similar to legislation both lawmakers spearheaded two years ago that drew strong support from conservation groups but never gained any traction in Congress (Greenwire, May 21, 2015).

"Designating these lands as wilderness would safeguard wildlife; protect ancestral lands; help mitigate climate change; and provide access to future generations of hunters, anglers, hikers, boaters and lovers of the natural world," Durbin said yesterday during a speech on the Senate floor.

But though Durbin argued strongly for the need to protect the "fragile landscape," the legislation has no Republican co-sponsors and is not supported by Utah's congressional delegation, making it a long shot to be approved.

Indeed, Durbin's speech occurred shortly after President Trump signed an executive order requiring the Interior Department to review the boundaries of dozens of national monuments designated within the last two decades and to decide whether they should be altered or eliminated (Greenwire, April 26).



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

That includes two highly contentious Utah monuments — the 1.35-million-acre Bears Ears National Monument designated by President Obama in December and the 1.9-million-acre Grand Staircase-Escalante National Monument established by President Clinton in 1996.

Trump, who was joined at a signing ceremony by Utah Gov. Gary Herbert (R), said Utah Republican Sens. Orrin Hatch and Mike Lee pushed him hard to sign the order.

Durbin's bill would designate portions within the Grand Staircase-Escalante monument as wilderness.

Thus, Durbin took the opportunity during yesterday's speech to rip Trump's executive order.

"The president's decision to review these national monuments puts the future of these resources in jeopardy and threatens our culture, history and heritage," Durbin said. "These monuments are for all of us, and we must ensure that they remain in their natural condition for current and future generations to enjoy."

Still, debate over the red rock desert region has been ongoing since the late Rep. Wayne Owens (D-Utah) introduced legislation to protect the area in 1989. Owens did so after a group of Utah residents submitted a proposed citizen's wilderness designation.

One of the staunchest opponents of previous versions of the red rock wilderness legislation is House Natural Resources Chairman Rob Bishop (R-Utah), who earlier this week vowed to push through legislation "right-sizing" the Bears Ears monument and overhauling the Antiquities Act, which allows presidents to bypass Congress and designate federal lands as national monuments (E&E Daily, April 26).

But conservation groups note that the companion bills by Durbin and Lowenthal make sense in Utah, a state that has less designated wilderness — 1.1 million acres — than any Western state except for Hawaii.

And it's particularly important in light of Trump's executive order, said Scott Groene, executive director of the Southern Utah Wilderness Alliance.

"Sen. Durbin understands what this administration does not: that these lands are one of our country's most precious and vulnerable treasures, and the most reasonable course of action is to



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

ensure their permanent protection," Groene said in a statement regarding the reintroduction of Durbin's bill.

"Utah's wilderness promotes resiliency against climate change for humans and wildlife alike, provides a place for families to find rest and solitude, and represents the highest values of the American people," he added. "We are grateful to Sen. Durbin and the senators who joined him for recognizing the true value of these lands and for standing up for them."

[BACK](#)

E&E/NATIONAL NEWS – FULL STORY

1. **What Trump's executive order to review national monuments could mean for climate**

The Oregonian/Oregonlive, April 26 | The Associated Press

President Trump has directed the Interior Department to "review" all large national monuments created since 1996 to recommend ways for Congress to shrink or abolish them.

The directive came in the form of an executive order signed by the president Wednesday morning. It requires the department to make preliminary recommendations within 45 days and affects only those monuments that are larger than 100,000 acres.

Each of the monuments in the crosshairs was created using the Antiquities Act, a 1906 law that allows a president to unilaterally give national monument status to federal public land without congressional action. Historically, many monuments created using the act were later upgraded by Congress to become national parks.

"The Antiquities Act does not give the federal government unlimited power to lock up millions of acres of land and water, and it is time we ended this abusive practice," Trump said before signing the order, singling out the new Bears Ears National Monument in Utah as an example. "I'm directing (Interior) Secretary (Ryan) Zinke to end these abuses and return control to the people — the people of Utah, the people of all the states, the people of the United States."

U.S. National Monuments



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

In reality, the monuments are public land and most of them were public prior to being designated as national monuments. Federal law requires the government to include the public in many decisions about how the land is managed.

Zinke said Tuesday that the size of new monuments has been increasing in recent years, and the review is designed to investigate if they've been made too large without sufficient public input. He is expected to issue preliminary recommendations for Congressional actions to Trump within 45 days followed by a final report in four months.

National monuments play a role in America's response and contribution to climate change because many of them harbor vast reserves of fossil fuel and timber, which are mostly made off limits to development when a monument is created. The monuments protect ecosystems vulnerable to climate change, store atmospheric carbon in dense forests and, in some cases, serve as sources of water for nearby communities.

{related}

The monuments the Trump administration is reviewing include the largest protected area on earth — Papahānaumokuākea Marine National Monument, which is nearly equal in size to the Gulf of Mexico.

The monument was created by President George W. Bush and was singled out by the National Oceanic and Atmospheric Administration last year as being highly vulnerable to climate change. It harbors isolated islands and sea life in the northwestern Hawaiian Islands.

Other monuments protect giant sequoias in California, remote mountain ranges in the Nevada desert, underwater seamounts off the coast of Massachusetts, a dense forest in Maine, the Rio Grande Gorge in New Mexico and, among many other places, millions of acres of desert in southern Utah.

Mike Dombeck, a former director of the U.S. Bureau of Land Management and director of the U.S. Forest Service under President Clinton, said the monuments are among the last remaining places that harbor rare and endangered species and scenic beauty.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"That's in addition to the carbon storage — the importance of carbon storage and keeping carbon in the ground as we face the uncertainty of climate change," he said.

Steve Bloch, legal director for the Southern Utah Wilderness Alliance, which advocates for national monuments in Utah, said the monuments are good for the climate because they help keep fossil fuels in the ground.

Monuments are closed to new oil and gas leasing and no new mining claims can be granted there, he said.

Beginning with President Clinton, each recent president has made liberal use of the Antiquities Act. Clinton's 1996 creation of Grand Staircase-Escalante National Monument, which stopped the Utah desert from being strip-mined for coal, marked a turning point in the use of the act for public land protection and in political opposition to it.

Before 1996, presidents used the act to create national monuments only occasionally. Since then, 56 other monuments have been created, many of them protecting many thousands or millions of acres of land and open water.

Controversy surrounding monuments in the coal-rich region of southern Utah has been the driving force behind a mostly Republican movement to weaken the Antiquities Act and shrink or abolish the national monuments created under it.

Grand Staircase-Escalante National Monument is so rich with coal that the ground sometimes spontaneously combusts, the Los Angeles Times reported in 1996. But that coal was left off limits to development when Clinton designated the monument, rankling Utah lawmakers who were angry that the federal government was not paying attention to the needs of locals.

Since then, Utah's anger has escalated to the point that the state has made a thus far unsuccessful call for the federal government to turn over more than 30 million acres of its land to the state.

"The Grand Staircase-Escalante National Monument was not welcomed warmly by many Utah residents," said John Ruple, a professor at the University of Utah's Stegner Center for Land, Resources and the Environment. "Over time, most Utahns have grown to appreciate the monument and a majority now back its retention. That said, the notion of a distant and detached federal



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

government acting without adequate concern for local concerns helps explain some of the intense federal resentment."

The state's ire was kindled anew last year when President Obama declared 1.3 million acres of southern Utah the Bears Ears National Monument, a large swath of scenic canyons and mesas rich in historical sites and ecology, but also coal, oil sands, crude oil and natural gas.

Utah's congressional delegation has called it a "land grab." The state's government has long opposed federal ownership of land within its borders, saying locals can manage and develop the land more effectively than federal workers.

Many legal scholars believe that only Congress can make significant changes to national monuments or abolish them.

Mark Squillace, a natural resources law professor at the University of Colorado-Boulder, said there will be no legal hurdles standing in the way of Trump if he wants the Interior Department to recommend ways Congress can shrink or abolish national monuments.

"Congress plainly has the authority to rescind, resize or modify a national monument," he said. "On the other hand, I think it highly unlikely that they will get any significant monument changes as they will need 60 votes in the Senate."

Environmental advocates say the value of the monuments in terms of climate change, ecology and history is significant, and they'll push back against any Trump administration efforts to diminish those protections.

"It's very frightening because big picture, they're looking to basically take away very important protections for some of the most stunning landscapes and cultural treasures," said Randi Spivak, public lands director for the Center for Biological Diversity. "They couldn't care less about how much Americans care about these iconic places."

[BACK](#)



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

2. LAW: Early skirmishes on Trump policies prefigure long legal war

E & E News, April 27 | Amanda Reilly

The Trump administration's legal maneuverings and attempts to begin unraveling regulations during its first 100 days have set the stage for what are likely to be prolonged, fierce battles in environmental law over the next four years.

The administration has mostly tried to get its bearing in a host of environmental legal disputes pending in various federal courts. Early skirmishes with environmentalists have centered on its requests to halt litigation as it figures out what to do with Obama-era policies.

"Obviously the chess pieces on the board have radically changed, and clearly the wagons have circled around our prize pieces," said Bill Snape, senior counsel at the Center for Biological Diversity. "We're in defensive mode, no doubt."

President Trump notched an early victory this month in the confirmation of Justice Neil Gorsuch to the Supreme Court over the objections of most Senate Democrats. Gorsuch restored the court's conservative wing, filling the seat left vacant since the February 2016 death of Justice Antonin Scalia.

While Gorsuch won't have a huge impact on environmental law in the short term, he'll move the court in a direction likely to be more skeptical of environmental regulation and deference to agencies.

The biggest court battles, observers say, will come when the administration actually begins eliminating rules or issuing revised versions.

"There's not much they can do to stop the administration at this point," said Jim Rubin, an attorney at Dorsey & Whitney LLP and formerly of the Justice Department.

"The opposition will become a much more significant thing when the agency chooses to change the rule. A lot of these cases will be repeal without replace," he said. "That's where you're going to have real opposition."

Forsaking some rules, defending others



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Over the past 100 days, federal agencies have filed a flurry of motions to put on ice pending litigation in federal courts.

With the exception of the Supreme Court's decision to continue hearing a case over which federal court has jurisdiction to hear challenges to the Obama administration's Clean Water Rule, federal courts have so far granted the motions.

Lower courts, for example, granted requests to pause lawsuits over the 2015 ozone standard, curbs on power plant wastewater discharges, an Arkansas regional haze rule, critical habitat guidelines, and a rule intended to reduce air pollution during industrial plant startups, shutdowns and malfunctions.

At the last minute, a federal court also delayed oral arguments over the Obama administration's landmark hydraulic fracturing regulations.

The administration has pending motions in litigation over U.S. EPA's carbon dioxide curbs for new power plants, methane limits for new oil and gas operations, the agency's cost-benefit analysis for power plant mercury regulations, and greenhouse gas standards for trucks.

In some instances, the court requests have provided the first hint that the administration is considering changing an Obama rule. Environmentalists have roundly objected to the motions.

"They're trying to weasel their way out of any court decision that might affirm the scientific integrity and the wise policy of Obama legacy rules," said Patrick Gallagher, director of the Sierra Club's Environmental Law Program.

While the motions have led to a lot of back-and-forth briefs over the past few weeks, legal experts said that the administration's actions aren't all that surprising.

The Obama administration similarly asked courts to pause lawsuits over President George W. Bush-era environmental regulations, including standards aimed at addressing cross-state air pollution, because it thought they were too weak.

"I think what we've seen is a page out of the Obama playbook," said Jeffrey Holmstead, a partner at the firm Bracewell LLP and a former EPA air official. "The Obama administration, when they came into office, didn't want to defend some of the rules that had been issued by the Bush administration."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

To be sure, the Trump team hasn't flip-flopped on all Obama positions in the courts. In the Supreme Court, the Justice Department has defended, for example, President Obama's critical habitat designation for the polar bear — even as it successfully asked a lower court to stay litigation over broader habitat rules.

The new administration has also defended the Obama rule setting renewable fuel standards for the years 2014-2016. The RFS rule "really doesn't fit the pattern of the others," Rubin said, because support for biofuels crosses partisan lines.

And the Justice Department is fighting a court order requiring it to submit by July 1 an evaluation of job losses tied to air regulations in a lawsuit brought by the coal industry against the Obama administration. It hasn't, though, fought to appeal an earlier court order that didn't set such a tight deadline.

Clean Power Plan limbo

What hasn't happened yet over the past 100 days: Any indication from the U.S. Court of Appeals for the District of Columbia Circuit on the fate of litigation over the Clean Power Plan, which aimed to lower carbon dioxide emissions from existing power plants.

As with other Obama rules, the Trump administration has asked the D.C. Circuit to hold the case in abeyance. But the litigation was further along than others; the full court heard nearly seven hours of oral arguments in September.

"As a matter of course, the courts have always given a lot of deference to administrations," Holmstead said. "The only one that is somewhat unusual is the Clean Power Plan case because it has been fully briefed and argued by an en banc court. I think that's really the only case where there's any question whether the courts will basically let the Trump folks revisit the rules."

Environmentalists and state supporters of the Clean Power Plan have urged the court to still issue an advisory opinion that would guide EPA in its efforts to undo the rule. But the Trump administration says issuing a ruling now could threaten the "integrity of the administrative process."

As EPA under new leadership works to figure out what to do with greenhouse gas regulations, the last 100 days have showed the lasting impact of the 2007 Supreme Court decision in *Massachusetts v. EPA*, legal experts said.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

That 5-4 decision established that EPA has the authority to regulate greenhouse gas emissions under the Clean Air Act. Following that decision, the courts upheld the Obama administration's endangerment finding, which provided the basis for future greenhouse gas regulations.

Massachusetts v. EPA "clearly means that the administration can't simply say we're going to ignore climate change," said Michael Gerrard, director of Columbia University's Sabin Center for Climate Change Law.

"That decision, plus the court's upholding of the endangerment finding, means there is now solid authority that EPA needs to act on greenhouse gas emissions," he said. "It means they will at least have to pay lip service to the importance of regulating greenhouse gases."

'All-out war'

Opposing motions to pause litigation is only "Step 1" in environmentalists' strategy to combat the Trump administration in court, Gallagher of the Sierra Club said.

"Step 1(b), we're gearing up to challenge any fake rulemaking they come up with," he said. "Step 2, we're aggressively seeking information on corruption, conflicts of interest within the administration through the Freedom of Information Act."

In the first 100 days of the Trump presidency, the Sierra Club and Natural Resources Defense Council have already filed about a half-dozen lawsuits against the administration.

The Center for Biological Diversity has been more active, filing 11 suits. Among the most recent: a complaint against Trump's border wall plans that invoked the National Environmental Policy Act.

Then there's a lawsuit targeting a Congressional Review Act resolution that struck down a regulation setting limits on how certain animals can be killed in national wildlife refuges in Alaska.

"It's just all-out war," said Patrick Parenteau, an environmental law professor at Vermont Law School.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Going forward, Parenteau predicted that "fiendishly complicated" regulations like the Clean Power Plan and Clean Water Rule will likely pose the most trouble for the Trump administration in court.

Over the next four years, Parenteau said the courts will act as "process cops," ensuring that rulemaking efforts are backed by a strong record and that the administration doesn't prejudge outcomes. The Reagan administration provides a lesson in how courts can be a reality check against sloppy, rushed rulemaking, he said.

"The courts looked very skeptically at these rushed efforts of the new administration to repeal and roll back environmental rules from a prior administration," Parenteau said. "That isn't to say that they won't win something or that the courts are envisioning themselves as putting a brake on the new administration, but I think the courts are definitely going to look very hard at efforts to roll things back."

'Way over-promised'

Environmentalists expressed confidence in their ability to fight to push back against the agenda Trump has rolled out in the past 100 days.

"Trump has way over-promised," CBD's Snape said. "It just seems to me, logically, that he's going to lose a lot more in court than he's going to win."

Rubin predicted that, aside from rule rollbacks, mandatory statutory requirements and deadlines contained in environmental laws will provide "an angle for litigants to sue." Court orders could become important in forcing agencies to take actions that they otherwise would not.

"Once you're under a consent decree, you have to act," he said. "EPA does not want to be held in violation of a court order."

In those types of cases, the Obama administration was criticized for "sue and settle." Republicans accused agencies like EPA of inviting litigation from friendly groups so that it could turn around and negotiate settlements.

Avi Garbow, who served as general counsel at EPA during the Obama administration, denounced the idea that EPA invited lawsuits and predicted that Trump's Justice Department



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

would likely seek to settle similar cases involving deadlines and other "clear instructions" from Congress.

"It has historically been very difficult for the Justice Department to find a winning defense on liability in these sorts of mandatory duty cases," Garbow said. "There are times when the Justice Department determines that it is in the public's interest to resolve matters through settlement."

Garbow also warned that the administration's proposals in the last three months to limit the budgets of federal agencies could hamper their ability to take legally defensible actions in the future.

EPA, which would see a 31 percent cut under the administration's budget proposal, already has a tough time keeping up with the statutory mandates in environmental laws, he said.

"Without the ability to manage its own resources in a way that allows it to operate in timely compliance with the laws' mandates," Garbow said, "EPA may in effect turn over the reins of its priority setting and rulemaking to outside litigants."

[BACK](#)

3. COAL: Canadian port resists export ban in retaliation to Trump

E & E News, April 27 | Dylan Brown

British Columbia Premier Christy Clark responded to new U.S. tariffs on Canadian lumber by calling for a ban on all exports of thermal coal, most of which comes from the United States. Coal interests on both sides of the border are pushing back.

In a [letter](#) yesterday, she pressed Canadian Prime Minister Justin Trudeau, a fellow Liberal Party member, to prohibit Canada from shipping out coal used primarily to fire power plants abroad.

The Trump administration this week slapped a new tariff on softwood lumber because it believes Canada unfairly subsidizes exports to the tune of billions of dollars every year.

"With the decision by the United States Department of Commerce to impose these unfair and unwarranted duties on Canadian softwood lumber exports, now is the time to align our shared values with our environmental policy," Clark wrote.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

According to The Vancouver Sun, Clark, who is campaigning ahead of British Columbia's May 9 election, said now that bilateral lumber negotiations have stalled, Canada can pursue its goal of reducing greenhouse gas emissions.

British Columbia no longer has any coal-fired power plants or active thermal coal mines, according to its Ministry of Energy and Mines. Coal remains the province's single largest export, but 70 to 90 percent of it is steel-making coal, mostly from Teck Coal Ltd.'s mines there.

"Banning thermal coal exports from British Columbia ports is in line with the values of Canada and the Cascadia region," Clark wrote in her letter, noting the environmental opposition that has helped derail proposed U.S. coal export facilities in Washington, Oregon and California.

A British Columbia thermal coal export ban could be a crippling blow for American coal companies that have long been looking to secure more shipping capacity, primarily to markets in Asia (Greenwire, Feb. 10).

In 2016, U.S. coal represented about 25 percent of the 25.8 million metric tons that left from Canada's largest coal export facility, the Westshore Terminals near Vancouver.

Export champion Cloud Peak Energy Inc., which mines exclusively in the Powder River Basin of Montana and Wyoming, exported coal through Westshore only during the last few months of 2016 but is contracted to ship 1.9 million tons during the first half of 2017.

"We are aware of the letter," spokesman Rick Curtsinger said. "Cloud Peak Energy values our Canadian trading partners and hopes this matter is resolved to benefit all interests."

The Vancouver Sun reported that Clark did not think her action would affect the in-progress, \$275 million expansion at Westshore.

In a letter yesterday, executives at Westshore Terminals LP wrote Trudeau: "We are deeply disappointed to see by the Premier of British Columbia's call to close our borders to our long-term U.S. customers. The United States is a valued Canadian trading partner and the goods that move across our borders north and south generate significant economic benefit and thousands of local jobs, not just in our industry, but many others."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

According to the White House and the Canadian government, President Trump and Trudeau have spoken on the phone in an attempt to resolve trade disagreements.

"The prime minister stressed that the government of Canada will vigorously defend the interests of the Canadian softwood lumber industry, as we have successfully done in all past lumber disputes with the U.S.," said a Canadian readout of one call.

[BACK](#)

4. **CLIMATE: Young plaintiffs, lawmakers tout 'trial of the century'**

E & E News, April 27 | Amanda Reilly

A group of youth plaintiffs who are suing the federal government over its alleged role in causing and enhancing the danger of global warming today gathered in Washington to drum up support for their suit.

Fourteen of the 21 youth plaintiffs and their supporters this morning touted the litigation in front of the steps of the Supreme Court, casting it as the "trial of the century" and as taking on "an administration that has patently denied climate science."

"We have really very little time to act, and that's why this lawsuit is important," said Sen. Jeff Merkley (D-Ore.).

Led by Kelsey Juliana, 21, of Oregon, the plaintiffs brought the suit initially against the Obama administration, arguing that the government had violated their constitutional rights by not adequately stemming greenhouse gas emissions.

In November, Oregon U.S. District Court Judge Ann Aiken greenlighted the suit, rejecting motions by the government and industry groups to dismiss the kids' claims.

"I have no doubt that the right to a climate system capable of sustaining human life is fundamental to a free and ordered society," Aiken, a Clinton appointee, wrote in the 54-page opinion (Greenwire, Nov. 11, 2016).



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The case is now moving toward trial in front of Magistrate Judge Thomas Coffin.

The Justice Department, though, wants the 9th U.S. Circuit Court of Appeals to step in. In a March motion, the government said the 9th Circuit should say, before trial, whether the plaintiffs have legal standing and whether they've brought viable claims (E&E News PM, March 9).

The Oregon district court denied the government's motion to stay the case while it considers the appeal request. A status conference is currently set for the middle of next month.

At today's event, each of the plaintiffs read aloud from Aiken's November opinion. They are planning on participating in this weekend's climate march in D.C.

"Our lives are being impacted. We're feeling the effects of climate change right now. And we're not OK with it," Juliana said.

Julia Olson, executive director of Our Children's Trust and lead counsel in the case, pledged to take the complaint as far as it will go in the federal courts.

Along with Merkley, Democratic Sens. Ron Wyden of Oregon, Sheldon Whitehouse of Rhode Island and Ed Markey of Massachusetts put in appearances today in support of the lawsuit.

Supporters are hoping that it will not only compel the government to address climate change but also potentially yield information about fossil fuel interests' funding and influence through the trial discovery process.

"Discovery is a beautiful thing," said Whitehouse, who has raised questions about a network of fossil fuel industry-backed groups pushing climate science misinformation.

Michael Gerrard, executive director at Columbia University's Sabin Center for Climate Change Law, said in an interview last week that the lawsuit is part of a trend over the last two years of courts around the world finding that governments have an obligation to address climate change.

But while it's "powerful symbolically," Gerrard said that the case likely won't compel big changes in policy.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"It's hard to imagine that a ruling for the plaintiffs could garner five votes in the Supreme Court," he said. "So ultimately I don't think that this case leads to a binding judicial order that the United States transform its energy system."

[BACK](#)

5. CLIMATE: Greens rally around clean energy bill, coal miners

E & E News, April 27 | Hannah Hess

Mustafa Ali, the former head of environmental justice at U.S. EPA, crossed the front lawn of the Capitol this morning to rally crowds for Saturday's climate march.

"We have power," said Ali, who quit his position at EPA last month, previewing the event organizers say will draw hundreds of thousands to Washington. "We can move our most vulnerable communities from surviving to thriving."

Ali, who now works on climate issues for Hip Hop Caucus, reminded the lawmakers and activists rallying for clean energy that he is from Appalachia, a part of the country that fears being left behind in the clean energy transition.

Democrats from the House and Senate promise that won't be the case.

Oregon Sen. Jeff Merkley (D) rolled out long-awaited legislation that would achieve 100 percent zero-carbon power by 2050, relying on renewable sources.

The measure, which spans 319 pages, calls for a carbon price; increased energy efficiency; grid reliability; changes to the tax code related to oil, coal and gas; and a permanent extension of tax credits for qualified electric and hybrid vehicles, among other provisions. It also contains provisions for unemployment compensation for workers who would be hurt by the shift.

Merkley pointed this out when he was asked a question about coal workers during the rally.

On the House side, Rep. Peter Welch (D-Vt.) made it a point to say thank you to coal miners who did "keep the lights on" and said they "are not the folks who caused climate change."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Welch was among 17 members of the House Sustainable Energy and Environment Coalition (SEEC) who made their pitches for why climate activists should pressure President Trump to stick with U.S. commitments to cut greenhouse gas emissions under the Paris Agreement, an outcome that looks unlikely with members of his administration publicly lobbying him to revise the pledge or exit.

Welch promised Democrats would stand with coal miners during the energy sector transition, calling Saturday's event "a march of inclusion."

Fellow Democrats in SEEC, a group that backs policies to support clean energy technology innovation and domestic manufacturing, talked about the potential to create new jobs by embracing a shift toward renewable energy sources. Activists from Oceana waved tiny windmills behind them.

Rep. Jared Polis (D-Colo.), vice chairman of the group of Democrats, said if there was any "silver lining" to Trump's agenda, "it's that it has galvanized a whole new generation of climate activists."

On the Senate side, Merkley was joined by Sens. Bernie Sanders (I-Vt.) and Ed Markey (D-Mass.), plus 350.org co-founder Bill McKibben and other environmentalists who have endorsed the plan (Greenwire, July 18, 2016).

Leaders from Environment America, Green for All, National Nurses United and other organizations talked about what's been dubbed the "100 by '50 Act," and ways that local and regional governments can begin to plan for the power transition now. They spoke about the impacts of climate change and cast blame on the fossil fuel industry for greenhouse gas pollution.

"Last year, we lost much of the largest living organism on this planet, the Great Barrier Reef under the edge of Australia. Every day, people die, get sick, lose their livelihood because of rising sea levels, spreading mosquitos," McKibben said. "The ones who are hit the hardest are the ones who have done the least to cause this problem."

[BACK](#)



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

6. COAL: Big, young power plants are closing. Is it a new trend?

E & E News, April 27 | Benjamin Storrow

Many of the U.S. coal plants retired in recent years were geezers by industry standards. They trended old and small, and ran a fraction of the time. But in a vexing sign for the industry, those in the next round of retirements are decidedly middle-aged.

Utilities have announced plans to close at least five coal plants since the start of the year. Of those, four boast a generating capacity greater than 1,000 megawatts, and all were built after 1970. By comparison, eight plants out of more than 150 retired between 2010 and 2015 listed generation capacity over 1,000 MW, according to an E&E News review of federal figures. All those larger facilities came online before 1970.

Experts say it is too soon to say whether the upcoming retirements constitute a trend. The sample size is too small and, in some cases, the announcements are so recent that the plant's fate has yet to be finalized. It nevertheless represents a troubling development for an industry battered by years of low wholesale power prices, tepid demand and increasing competition from natural gas and renewables.

"More and more people seem to feel comfortable saying we should invest in these other things rather than putting money in the coal plant or the nuclear plant," said Paul Patterson, a utility analyst at Glenrock Associates. Natural gas plants, he noted wryly, "are popping up like mushrooms after a rain."

Retirements of larger plants hint at one of coal's greatest challenges. At a time when power prices are mired in the doldrums, coal plants are running less and less.

Coal facilities generally shoulder high operating costs. They have large payrolls, consume millions of tons of fuel and are costly to maintain. Typically, that isn't a problem. By churning out enormous amounts of power around the clock, coal plants are cost-effective forms of power generation.

But low wholesale power prices have scrambled that equation, with many power companies electing to leave their coal facilities idle for large chunks of the year. The U.S. Energy



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Information Administration estimates that U.S. coal plant run times averaged 52 percent in 2016, down from almost 60 percent in 2013.

The decrease helps explain the recent round of announced coal retirements. In Florida, Jacksonville Electric Authority's St. Johns River Power Park ran 71 percent of the time in 2011, according to the company's fiscal 2015 disclosure report. That dropped to 51 percent in 2015. Jacksonville Electric Authority announced plans last month to close the 1,252-MW facility next year. The plant opened in 1987.

In New Mexico, the 1,683-MW San Juan Generating Station saw its run time drop from 71 percent in 2013 to 61 percent in 2015, though it rebounded to 69 percent last year. Public Service Co. of New Mexico was already planning to close two of the 44-year-old plant's four units by the end of this year to comply with federal smog standards. The utility will now retire the remaining units by 2022 and completely divest itself from coal generation by 2031, according to a plan filed with state regulators this month.

And in Ohio, Dayton Power & Light Co. (DP&L) recently decided to close the 2,318-MW J.M. Stuart Station after years of battling unplanned outages. The plant ran 48 percent and 54 percent of 2015 and 2016, respectively. While the problems there were as much operational as they were economic, the result was the same. J.M. Stuart will close in 2018, as will DP&L's nearby Killen Station.

"The free cash flow profile for those plants going out for the next several years is in the hundreds of millions of dollars negative," Dynegy Inc. CEO Robert Flexon told financial analysts recently. "It's just too far out of the money."

Dynegy jointly owns a stake in both plants with DP&L.

The upcoming closures represent a stark change from previous coal plant retirements. Many of the plants to retire in recent years were among the oldest and least efficient in the generating fleet. While U.S. coal generation fell by 28 percent between 2012 and 2015, 5 percent of that decline was attributable to the 238 coal units closed over that period, according to researchers at Columbia University. Much of that decline, they found, was attributable to reduced electricity demand and coal plant running times.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Even the largest plants to close between 2010 and 2015 were relatively old by industry standards. Six of the eight plants with capacity greater than 1,000 MW began operating in the 1950s. The other two began operating in the 1960s. The plants' advanced age made compliance with U.S. EPA's Mercury and Air Toxic Standards (MATS) costly. In all eight cases, utilities cited compliance with federal air quality rules as the reason for the shutdowns.

By contrast, federal regulations have been notably absent from the retirement announcements this year. J.M. Stuart, St. Johns, San Juan and the 2,250-MW Navajo Generating Station in Arizona are all MATS-compliant. They are relatively new by industry standards. J.M. Stuart was the first to come online in 1970. And in each case, utilities cited economic reasons for the shutdown.

John Larsen, an analyst at the Rhodium Group, stopped short of calling the recent announcements a trend. Coal units with generation capacity of less than 250 MW have made up 88 percent of the retirements since 2010, he said. But roughly 4 percent of retired units accounted for 20 percent of shuttered capacity. In other words, large plants have closed before.

The wider market dynamics are more concerning for coal, Larsen said. For a power plant to make money today, it must be able to ramp up and down to coincide with the variable levels of renewable generation coming online. That makes combined-cycle natural gas plants profitable, even at lower prices.

As for coal units, "they have relatively high and fixed operating costs and are relatively inflexible," Larsen said. "They make their money by running full-out. You might be able to survive a bad year or two. But when wholesale prices remain down, that business model starts to weigh thin."

If the recently announced retirements are to remain an outlier, those broader market dynamics will have to change.

[BACK](#)



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

7. REGULATIONS: Repeal of BLM methane rule will pass Senate — Barrasso

E & E News, April 27 | Kellie Lunney and Geof Koss

Will Vice President Mike Pence cast the tie-breaking vote next week to pass a Senate resolution repealing a controversial Obama-era rule regulating methane waste on public lands?

Sen. John Barrasso (R-Wyo.) told reporters yesterday that he was looking forward to a floor vote next week on his measure ([S.J. Res. 11](#)), which would roll back a November 2016 Interior Department rule that curbs greenhouse gas emissions from oil and gas flaring, venting and leakage on public and tribal lands.

Asked how he finally managed to secure the necessary 51st vote to ensure passage on the resolution after months of arm-twisting Republican and Democratic holdouts, the Wyoming senator said, "I thought you only needed 50 and a vice president." Then he laughed.

Joking aside, it's certainly a possibility. Pence last month cast the tie-breaking vote for a CRA resolution that repealed an Obama rule requiring states and localities to provide Title X funding for family planning and women's health care to clinics (like Planned Parenthood) that perform abortions.

But Barrasso, who chairs the Environment and Public Works Committee, was cryptic on why he was so confident about a successful outcome, simply saying: "It will pass. The president will sign it."

Sen. John Hoeven (R-N.D.), who has been involved in amassing support for S.J. Res. 11, said yesterday there was a "good chance" the vote would happen next week and that Republicans had "at least the 51 we need." When asked whose mind he might have changed, he chuckled. "Well, we'll see. I would never single them out, but we've been working hard, and I think we've got what we need."

The measure to overturn the Bureau of Land Management methane rule is one of several such resolutions that Republicans in both chambers have introduced during this legislative session using the 1996 Congressional Review Act to roll back Obama-era regulations that they argue are burdensome and illustrative of the federal government's overreach on energy and environmental



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

issues. So far, President Trump has signed into law 13 disapproval resolutions under the CRA, four of them directly related to natural resources.

The deadline for rolling back the previous administration's "midnight" regulations expires in roughly two weeks, on May 9 or 10, which puts pressure on lawmakers to hold a vote soon.

"If the Senate doesn't act by mid-May, it will be up to BLM to unwind the rule through using the formal regulatory process, which could tie the agency up for months, draining it of limited resources, keeping staff from focusing on other priorities, and almost guaranteeing additional legal challenges from environmental activists," Robert Dillon, vice president of communications at the American Council for Capital Formation, wrote in a Tuesday blog post. "That's an outcome that should be avoided at all costs."

Dillon is a former staffer for Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska).

Those for and against

Senators' positions on S.J. Res. 11 have not necessarily split cleanly along party lines, stalling the measure's momentum in the upper chamber. The House voted to kill the BLM rule in February in a 221-191 vote, mostly along party lines. Three Democrats voted in favor, and 11 Republicans were against it.

Sens. Cory Gardner (R-Colo.), Heidi Heitkamp (D-N.D.) and Rob Portman (R-Ohio) are still publicly undecided on repealing the methane rule, and Sen. Joe Manchin (D-W.Va.) has said previously that he's weighing arguments on both sides.

Republican Sens. Susan Collins of Maine and Lindsey Graham of South Carolina are not expected to vote for the resolution, adding to the Republican leadership's struggle to garner the necessary votes to pass the measure. Another complication: Sen. Johnny Isakson (R-Ga.) has been recovering from back surgery this spring and hasn't been around regularly for votes.

Republicans generally have argued that in addition to the methane rule being burdensome and ineffective, U.S. EPA — not BLM — has the authority to curb emissions under the Clean Air Act. Meanwhile, Democrats counter that the resolution is a gift to wealthy GOP donors and that



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

methane reductions have occurred in other energy production arenas, like transportation, but not in public land extraction.

Yesterday, 113 local elected officials, including mayors from Colorado, New Mexico, Idaho, Nevada, Wyoming, Utah and the Ute Mountain Tribe, urged Senate leadership not to use the CRA to overturn the BLM methane rule.

"The CRA is a blunt tool that, if successful, would prevent any 'substantially similar' rule from being issued, allowing the oil and natural gas industry to continue to waste hundreds of millions of dollars' worth of taxpayer owned resources every year, and use outdated, wasteful technologies," the letter said, arguing that the rule "protects the interest of communities and our constituents across the country."

But opponents of the rule have called it redundant, as some states already have regulations in place that minimize methane emissions, and industry has deployed technologies to reduce emissions.

[BACK](#)

8. NATIONAL MONUMENTS: House Dems ask to meet Zinke over designations review

E & E News, April 27 | Jennifer Yachnin

Democratic lawmakers on the House Energy and Commerce and Natural Resources panels are seeking a briefing from Interior Secretary Ryan Zinke to discuss a looming review of several dozen national monuments that the Trump administration could seek to diminish or dissolve entirely.

The Democratic House members made their request following President Trump's issuance yesterday of an executive order giving Zinke 120 days to review numerous national monuments created or expanded by previous commanders in chief (Greenwire, April 26).

The order will require a review of all monuments created since 1996 that exceed 100,000 acres in size, or which the Trump administration deems did not have sufficient local input prior to their creation.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Republican lawmakers including House Natural Resources Chairman Rob Bishop (R) had urged Trump to address national monuments, including two disputed Utah sites: the Grand Staircase-Escalante National Monument created by President Clinton and the Bears Ears National Monument designated by President Obama during his final weeks in office.

In a letter to Zinke — signed by New Jersey Rep. Frank Pallone, the top Democrat on the Energy and Commerce panel, and Arizona Rep. Raúl Grijalva, the top Democrat on the Natural Resources panel, among others — the Democrats requested an explanation for how the monuments review helps Interior fulfill its obligation to protect and manage natural resources and cultural heritage, as well as for information on how public input will be used to inform "any recommendations" made by Zinke.

"Both Democratic and Republican Presidents have designated a total of 157 national monuments of unique significance to the culture, environment, and history of our nation," the letter states. "We are gravely concerned that the misguided actions contemplated by the Trump Administration would cause irrevocable harm to these national treasures and erase the progress, protections, and wisdom that served as the underpinnings for these decisions."

The Democrats also highlighted the proposed 12 percent cut to the Interior Department's budget and asked Zinke to explain how those deductions "impact the ability of DOI to manage" them.

'The clock is ticking'

In a separate statement, Grijalva also criticized the Trump administration for the short deadline it has put forward for the review of monuments.

The 120-day period — or an even shorter 45-day deadline for the Bears Ears monument review — will not allow Zinke enough time to hold public meetings at more than 20 sites, Grijalva said.

The potential sites span from the Papahānaumokuākea Marine National Monument in the remote Pacific Ocean to multiple monuments across the western United States to the Northeast Canyons and Seamounts Marine monument in the Atlantic Ocean.

"They've set a high standard for public input, and the clock is ticking now," Grijalva said in a statement. "I'm concerned that Republican rhetoric on our public lands is being taken for fact and that Secretary Zinke is being set up for failure here."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

He added: "National monuments are only declared after extensive local input, whatever a few lawmakers may now be saying. If he intends to offer the American people even more of a say than they already had before these monuments were declared, he needs to get on a plane tonight and spend the next several months on the road holding back-to-back-to-back public meetings."

During a signing ceremony yesterday with President Trump, Zinke told The Salt Lake Tribune that he plans to visit Bears Ears in southeastern Utah in early May. No additional details about his trip were immediately available.

[BACK](#)

9. COAL: Congress nears deal on miner benefits

E & E News, April 27 | Dylan Brown

Lawmakers trying to save retired union coal miners' health benefits believe they are on the cusp of a deal to permanently resolving the long-standing issue.

Congress has until tomorrow to pass a spending agreement to fund the government. On the same day, health coverage expires for nearly 23,000 United Mine Workers of America retirees and widows.

During a rally on Capitol Hill yesterday with lawmakers and union advocates, Sen. Joe Manchin (D-W.Va.) said he didn't think an appropriations bill would reach the House and Senate floor "without a permanent fix."

The continuing resolution introduced last night to give lawmakers more time to negotiate on spending includes a patch for the miners (see related story). But coal country lawmakers are still working to make sure relief is also part of any long-term appropriations legislation.

Supporters are trying not to "jinx" things after years of near misses, said fellow West Virginian Sen. Shelley Moore Capito (R).

Rep. David McKinley (R-W.Va.), a House champion of a fix, said the last hurdle was getting House Speaker Paul Ryan (R-Wis.) on board with how to offset the more-than-\$1 billion price tag.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Last December, Ryan only agreed to a four-month extension of UMWA health benefits in a stopgap spending deal, despite a protest vote led by Manchin and Capito.

"We're not leaving until this is completed," Manchin said yesterday. "Now you can take that any way you want to take that ... we're not talking shutdown, just stay and do our job."

President Trump, who made big campaign promises to help coal miners, "agreed to help every way he can," Manchin said, after two recent phone calls.

"I want to help our miners while the Democrats are blocking their healthcare," he wrote in one of them.

All of the various UMWA benefit bills propose using leftover funds already appropriated to the federal Abandoned Mine Land (AML) program.

Roughly half of \$490 million goes unspent each year, but because it comes from the Treasury, the spending must be offset under congressional rules.

Manchin's bill, the "Miners Protection Act," [S. 175](#), would tap into U.S. Customs and Border Protection fees (Greenwire, Nov. 22, 2016).

McKinley said Ryan was on board to fix health care, he is just looking for the right pay-for. "We think it's on the edge, right there," McKinley said. "It's about ready to happen, but we're not going to adjourn this weekend without having a prior commitment."

Reform supporters have smoothed over other previous issues. Senate Majority Leader Mitch McConnell (R-Ky.), who yanked a UMWA health care and pension rider from 2015's omnibus spending bill, has sponsored his own health fix bill.

Pensions — the burr in negotiations with many conservatives — have been set aside. An unhappy Manchin promised another equally tense fight on that issue, but only after health care is addressed.

"That's all we're asking for," he said. "Give them what they paid for, give them what they've worked for, give them what they've earned."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The UMWA and its backers say the government has long promised to back union coal miner benefits in a deal dating back to the Truman administration and actions since then. Many conservatives reject that.

Even top skeptic Sen. Mike Enzi (R-Wyo.) has come on board with the health care portion, so long as it doesn't impact reclamation dollars flowing to Wyoming, the current top coal mining state but without a strong union footprint.

"He's on board so long as we don't touch his AML money," Manchin said.

In a series of Tweets this morning, the president tried to blame Democrats for delaying spending talks and associated issues.

"I want to help our miners while the Democrats are blocking their healthcare," he wrote.

[BACK](#)

10. OFFSHORE DRILLING: Senate bill would bar presidential moratoriums

E & E News, April 27 | Emily Yehle

Republican Louisiana Sens. Bill Cassidy and John Kennedy introduced a bill yesterday that aims to prohibit presidents from imposing long-term moratoriums on offshore drilling.

The "Outer Continental Shelf Energy Access Now (OCEAN) Act" would amend both the Outer Continental Shelf Lands Act and the Antiquities Act, eliminating a president's power to unilaterally protect marine areas or withdraw sites from oil and gas leasing. Short-term exceptions would be allowed for emergencies or national security reasons.

The bill would also undo President Obama's ban on oil drilling in Arctic and Atlantic waters. Obama used Section 12(a) of OCSLA to declare more than 125 million acres off limits for future oil and gas leasing.

"Moratoriums and restrictions on energy production hurts American workers and energy security," Cassidy said in a statement. "President Trump pledged to create jobs and this legislation will bring those well-paying jobs with good benefits to Louisiana and all American families."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Rep. Dave Brat (R-Va.) will introduce companion legislation in the House, according to a press release.

The bills come as Trump prepares to sign an executive order tomorrow that will direct the Interior Department to review locations available for offshore oil and gas exploration, likely with an eye toward opening up more waters to drilling (Greenwire, April 24).

The Senate bill would not rescind marine sanctuaries or national monuments that have already been created. It has support from the American Petroleum Institute, the National Ocean Industries Association, the Arctic Energy Center, and numerous other oil and gas industry groups.

Environmental groups have railed against opening up more waters to drilling, arguing that it would increase emissions of heat-trapping greenhouse gases and thwart the Paris climate agreement aimed at keeping global temperatures from rising more than 2 degrees Celsius.

[BACK](#)

11. NATIONAL PARKS: Trump tweet on closures at odds with Zinke's promise

E & E News, April 27 | Emily Yehle

President Trump warned today that national parks could close if the government shuts down, seemingly contradicting Interior Secretary Ryan Zinke.

"As families prepare for summer vacations in our National Parks — Democrats threaten to close them and shut down the government. Terrible!" Trump wrote in a tweet earlier today.

Congress will likely pass a short-term stopgap spending bill to prevent a government shutdown tomorrow. Trump's tweet comes as lawmakers from both parties voice optimism that they will come to a deal on a final package for fiscal 2017 (E&E Daily, April 27).

His tweet is also at odds with Zinke's comments earlier this month at Sequoia and Kings Canyon national parks. Several media outlets reported that Zinke promised to keep parks open in a government shutdown. According to Capital Public Radio, Zinke said parks such as Yosemite, Sequoia and Kings Canyon would continue operating.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

None of the outlets directly quoted Zinke, and Interior spokeswoman Heather Swift said he was referring to "open parks and monuments like the National Mall."

Swift pointed to the 2013 government shutdown, when Republicans blasted the National Park Service for closed monuments in Washington. They focused on a group of war veterans who were initially barred from entering the World War II and Vietnam Veterans memorials.

At the time, NPS said it did not have the staff to keep an eye on monuments and thus had to deter visitors to ensure no damage.

[BACK](#)